

REMARKS

At the outset, the Examiner is thanked for the thorough review and consideration of the pending application. The Office Action dated November 14, 2006 has been received and its contents carefully reviewed.

By this Amendment, Applicants have amended claims 1 and 29, and cancelled claims 4 and 32 without prejudice or disclaimer. Accordingly, claims 1-3, 5-31 and 33-58 are currently pending. Reexamination and reconsideration of the pending claims is respectfully requested.

On page 2 of the Office Action, claims 4 and 32 are rejected under 35 U.S.C. § 112, second paragraph. Applicants respectfully submit that in view of the current amendments in the pending claims, this rejection is believed to be moot, and that all pending claims are in compliance with 35 U.S.C. § 112.

On page 3 of the Office Action, claims 1-5, 7-33 and 35-58 are rejected under 35 U.S.C. § 102(e) as being anticipated by Kim et al. (U.S. Patent No. 6,462,798). This rejection is respectfully traversed and reconsideration is requested.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. See MPEP § 2131. Claim 1 is allowable over the cited references in that claim 1 recites a combination of elements including, for example, "...a photo-alignment layer having a pre-tilt angle in a range of about 1°~ about 5° on at least one of the first and second substrates..." None of the cited references, singly or in combination, teaches or suggests at least this feature of the claimed invention. Accordingly, Applicants respectfully submit that claim 1 and claims 2-3 and 5-28, which depend therefrom, are allowable over the cited references.

Claim 29 is allowable over the cited references in that claim 29 recites a combination of elements including, for example, "...a photo-alignment layer having a pretilt angle in a range of about 1°~ about 5° on at least one of the first and second substrates..." None of the cited references, singly or in combination, teaches or suggests at least this feature of the claimed invention. Accordingly, Applicants respectfully submit that claim 29 and claims 30-31 and 33-58, which depend therefrom, are allowable over the cited references.

On page 4 of the Office Action, claims 6 and 34 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kim et al., Koma et al. (U.S. Patent No. 5,608,556) and SID 1995 (“No-Rub Multi-Domain TFT Using Surrounding-Electrode Method,” SID, 1995, pages 869-872). This rejection is respectfully traversed and reconsideration is requested.

Under 35 U.S.C. § 103(c), subject matter developed by another person which qualifies as prior art under 35 U.S.C. § 102(e) shall not preclude patentability under 35 U.S.C. § 103 where the subject matter in the claimed invention were, at the time the invention was made, owned by the same persons or subject to an obligation of assignment to the same person. The present application and Kim et al. (U.S. Patent No. 6,462,798) were, at the time of the invention of the present application, made and owned by LG. Philips LCD Co., Ltd. Moreover, the present application was filed after November 29, 1999; and therefore prior art under 35 U.S.C. § 102(e) is subject to 35 U.S.C. § 103(c). Therefore, Applicants respectfully request that the rejection be withdrawn as Kim et al. is not valid prior art under 35 U.S.C. § 103(a).

Applicants believe the application is in condition for allowance and early, favorable action is respectfully solicited. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911. A duplicate copy of this sheet is enclosed.

Dated: 13 February 2007

Respectfully submitted,

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